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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,982	08/29/2003	Nadi Sakir Findikli	u02-0208.39	1981

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MOORE AND VAN ALLEN PLLC FOR SEMC
P.O. BOX 13706
430 DAVIS DRIVE, SUITE 500
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

STEIN, JULIE E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,982

Applicant(s)

FINDIKLI ET AL.

Examiner

Julie E. Stein, Esq.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,16-20,26,27,29-33,36-40 and 43-58 is/are pending in the application.
- 4a) Of the above claim(s) 45-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8-11,16-20,26,27,29,30,32,33,36-39,43 and 44 is/are rejected.
- 7) ☒ Claim(s) 7,31 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 3, 5-6, 10-11, 18, 20, 26, 29-30, 36, and 38-39 are rejected under 35 U.S.C. 102(a) as being anticipated by EP 1 246 428 A2 to Nokia.

Applicant has amended the claims to substitute “software package” in some places for “module,” attesting that the originally filed application supported that the terms were interchangeable. The Examiner agrees that the originally filed application does indicate that the terms are intended to be interchangeable and thus is treating them as such.

Nokia discloses all the steps of independent claim 1, including a method of registering a licensed software package (paragraph 5, electronic game) in a mobile device (Figure 1, element 31), comprising:

detecting the licensed software package (paragraph 16) in a processing platform (inherent to mobile phones) in the mobile device being initially accessed by a user (paragraph 5, the user accesses the game in the mobile’s memory and wants to play a new level—the term “initially” is broad enough to include the first access of any play of the game) of the mobile device;

collecting module parameters (paragraph 19), the module parameters comprising at least a module identifier (paragraph 14, module identifier includes an identifier tag, which identifies the version of the game);

assembling a registration message (paragraph 19) based on the detecting of the licensed software package being initially accessed (paragraph 16), the registration message comprising at least the module identifier (paragraphs 14 to 16); and

sending the registration message (paragraphs 16 to 17) from the mobile device to a module registration system corresponding to a destination address stored in the mobile device (paragraph 17, the URL address) so that the registering of the licensed software package is substantially transparent to the user of the mobile device (paragraph 5, “the whole process advantageously is automatic”).

The rejections of claim 1 is hereby incorporated and the same reasoning is applied. Nokia discloses all the steps of independent claim 18, including a mobile device (Figure 1, element 31) operable to register a licensed software package (paragraph 5, electronic game) included therein, the mobile device (Figure 1, element 31), comprising:

means for detecting the licensed software package (paragraph 16) in a processing platform (inherent to mobile phones) in the mobile device being initially accessed by a user (paragraph 5, the user accesses the game in the mobile’s memory and wants to play a new level—the term “initially” is broad enough to include the first access of any play of the game) of the mobile device;

means for collecting module parameters (paragraph 19), the module parameters comprising at least a module identifier (paragraph 14, module identifier includes an identifier tag, which identifies the version of the game);

means for assembling a registration message (paragraph 19) based on the detecting of the licensed software package being initially accessed (paragraph 16), the registration message comprising at least the module identifier (paragraphs 14 to 16);
and

means for sending the registration message (paragraphs 16 to 17) from the mobile device to a module registration system corresponding to a destination address stored in the mobile device (paragraph 17, the URL address) so that the registering of the licensed software package is substantially transparent to the user of the mobile device (paragraph 5, "the whole process advantageously is automatic").

The rejections of claims 1 and 18 are hereby incorporated and the same reasoning is applied. Nokia discloses all the elements of independent claim 26, including a mobile device comprising:

a radio frequency block for sending messages over a telecommunication network (inherent in the mobile phone shown in Figure 1); and

a processor platform for controlling the operation of the mobile device (also inherent in the mobile phone shown in Figure 1), the processing platform further comprising:

at least one licensed software package (paragraph 5, game) including module parameters comprising a module identifier (paragraph 14); and

a module handler (paragraph 19) operable to collect the module parameters (Id.) and cause a registration message to be assembled (Id.) upon initial access of the at least one licensed software package by a user (paragraph 16), the registration message comprising at least the module identifier (paragraphs 14 and 19, identifier tag) in order to enable the registering of the at least one licensed software package (game);

wherein the processing platform is further operable to cause the mobile device (Figure 1, element 31) to send the registration message through the RF block to a module registration system corresponding to a destination address (paragraph 17, URL address) stored in the mobile device (Id.) so that the registering of the at least one licensed software package is substantially transparent to the user of the mobile device (paragraph 5, "the whole process advantageously is automatic").

Nokia also discloses all the steps/elements of dependent claims 3 and 20, including receiving an acknowledgement message from the module registration system. See paragraph 29.

Nokia also discloses all the steps/elements of dependent claims 5, 10, and 29 including wherein the sending of the registration message further comprises sending the registration message using SMS. See paragraphs 31 and 39.

Nokia also discloses all the steps of dependent claims 6 and 11, including wherein the registration message is a wireless application protocol (WAP) message (paragraphs 31 and 39) and the sending of the registration message further comprises sending the registration message to a WAP server (Id., WAP messages inherently communicate with WAP servers).

Nokia also discloses all the elements of dependent claim 30, including wherein the registration message is a wireless application protocol (WAP) message. See paragraphs 31 and 39.

Nokia also discloses all the elements of dependent claims 36 and 38, including wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address. See paragraphs 17 and 23.

Nokia also discloses all the elements of dependent claim 39, including wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address. See paragraphs 17 and 23.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 8-9, 16-17, 19, 27, 32, 37 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nokia in view of Admitted Prior Art regarding encryption.

Nokia teaches all the elements/steps of claims 2, 19, and 27, except explicitly teaching that the registration message prior to sending is encrypted. However, Nokia teaches that public and private/secret keys may be used in order to establish that a trusted server is being used for the download of the modified game. See paragraphs 39 to 40. In addition, Applicants admit in paragraph 26 of the originally filed specification that encrypting registration messages is known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to use encryption as taught by Nokia and further to encrypt the registration message by known standards in order to provide an extra level of security.

As to claims 8-9, 16-17, 32-33, 37, and 43-44, each of the additional elements has been addressed above.

Allowable Subject Matter

6. Claims 7, 31, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: while DTMF tones and telephone numbers as destination addresses are known

in the art, the prior art of record does not teach or suggest the steps or elements including those recited in independent claims 1 and 26 in combination with the steps or elements as recited in dependent claims 7, 31 and 40.

Response to Arguments

8. Applicant's arguments filed July 13, 2006 have been fully considered but they are not persuasive.

9. Applicant first argues that the claims recite that the registering of the licensed software package is "substantially transparent." The Examiner agrees that this is recited in the claims, but it is addressed in the rejection. Specifically, paragraph 5 of Nokia is cited as disclosing that, "the whole process is advantageously [sic] automatic." Nokia discloses that a user may select an option that will effect connection to a server, but everything after the selection is automatic--the phone's WAP browser activates and transmits a request to download a new game. See paragraph 5. Therefore, the Examiner respectfully submits that Nokia meets this limitation.

10. As to Applicant's next argument, that the claims recite the detection of the license software being "upon initial access," and this is not disclosed by Nokia, the Examiner respectfully disagrees. As indicated above, "initial" is broad enough to include any "first" or "new" access of the game. Therefore, again Nokia reads on the claims.

11. As to Applicant's final argument regarding Nokia teaching away from the claimed invention, the Examiner again disagrees. Currently, the claimed invention does not discuss nor recite any limitations relating to paying for the licensed software. In addition, it is not true that Nokia teaches away from the alleged claimed invention,

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Nokia's phone has game(s) that the user may or may not have paid for initially and one could interpret the disclosure as teaching that the user was now "registering" in order to download additional levels.

12. Therefore, the rejections are maintained.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

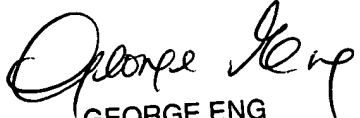
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JES

BS


GEORGE ENG
SUPERVISORY PATENT EXAMINER